

# **EXHIBIT A**

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		10501526
	Filing Date		2004-07-16
	First Named Inventor	Komuro	
	Art Unit	3627	
	Examiner Name		
	Attorney Docket Number	5553KO1-1	

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
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	1	2001-134646	JP		2001-05-18	INTER KYUU KK		<input checked="" type="checkbox"/>
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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T <sup>5</sup>

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1	Notice of Refusal for counterpart Japanese Patent Application No. 2003-560757 dated September 4, 2006.	<input checked="" type="checkbox"/>
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If you wish to add additional non-patent literature document citation information please click the Add button

### EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10501526
Filing Date	2004-07-16
First Named Inventor	Komuro
Art Unit	3627
Examiner Name	
Attorney Docket Number	5553KO1-1

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☒ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- ☐ See attached certification statement.
- ☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☐ None

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Jason H. Vick/	Date (YYYY-MM-DD)	2006-10-24
Name/Print	Jason H. Vick	Registration Number	45,285

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Notice of Refusal

(Translation)

Patent application No.	2003-560757
Drafted on	August 29, 2006
Examiner	Yoshiharu KOBAYASHI
Title of the Invention:	DEVICE AND METHOD FOR DISTRIBUTING CONTENT, RECORDING DISTRIBUTION LOG, AND CREATING CONTENT
Applicant	DENTSU INC.
Agent	Hideo FURUTANI and other three

This application is refused for the reason(s) stated in the notification of reason(s) for refusal dated May 31, 2005.

The argument and amendment have been examined, but no basis sufficient to overthrow the previously given reason(s) for refusal has been found.

### REMARKS

In the written argument, the Applicant develops an argument that the invention defined in Claims 1 through 10 is differ from the Cited references 1 and 2 in the following points and it is not easily be accomplished by a person having ordinary skill in the art according to the Cited references 1 and 2.

- (1) In the invention defined in Claims 1 through 7, such invention having the structure of "at the time of execution of distributing the content consist of a combination of the same content portion and a plurality of different advertisement portions, a distribution log is recorded for every combination of the content portion and the advertising portion, and select distribution log data including the same advertisement portion indicators recorded on the distribution log recording means upon receiving a request for distribution log, and output the selected distribution log data so that the data having the same content portion indicators is gathered."
- (2) In the invention defined in Claims 8 through 10, such invention having the structure of "select distribution log data including the same content portion indicators recorded on the distribution log recording means, and

output the selected distribution log data so that the data having the same advertisement portion indicators is gathered .“

However, as shown in the reference A, in advertising insertion to a page, it is just a well-known technology to record which advertisement is inserted in which page as an access log, and to grasp an access.

Here, data gathering for each advertisement (corresponds to the terms “the data having the same advertisement portion indicators is gathered“ defined by the Applicant ) and for each page (the data having the same content portion indicators is gathered) is usually carried out (in the reference B, it is disclosed that the number of access for the content and that of the banner advertisement are gathered, for example), performing the data gathering which the Applicant argues in the written argument is also performed easily using such access log.

It is, therefore, the argument developed by the Applicant is not valid.

【Cited references】

1. Patent laid-open publication No. 2002-6863
2. Patent laid-open publication No. 2000-322433

【References】

- A. Patent laid-open publication No. 2001-134646
- B. Patent laid-open publication No. 2001-256322

拒絶査定

COPY

特許出願の番号	特願2003-560757
起案日	平成18年 8月29日
特許庁審査官	小林 義晴 9572 5100
発明の名称	コンテンツ配信装置およびコンテンツ作成方法
特許出願人	株式会社電通
代理人	古谷 栄男 (外 3名)

この出願については、平成17年 5月31日付け拒絶理由通知書に記載した理由によって、拒絶をすべきものである。

なお、意見書並びに手続補正書の内容を検討したが、拒絶理由を覆すに足りる根拠が見いだせない。

備考

出願人は意見書において本願の請求項1-10に記載の発明は、以下の点において引用文献1、2に記載の発明と相違し、かつ当業者が引用文献1、2に記載の発明に基づいて容易に想到し得た程度のものでない旨の主張を行っている。

(1) 本願の請求項1-7に記載の発明では「同一のコンテンツ部分と異なる複数の広告部分との組み合わせによるコンテンツを配信する際に、当該コンテンツ部分と当該広告部分との組み合わせごとに配信履歴を記録しておき、前記配信履歴要求に基づいて、前記配信履歴記録手段に記録された、同一の広告部分指示情報を含む配信履歴データを選び出し、当該配信履歴データを、コンテンツ部分指示情報が同一のものごとに集計して出力する」構成を有する点

(2) 本願の請求項8-10に記載の発明では「前記配信履歴記録手段に記録された、同一のコンテンツ部分指示情報を含む配信履歴データを選び出し、当該配信履歴データを、広告部分指示情報が同一のものごとに集計して出力する」構成を有する点

しかしながら、参考文献Aに見るように、ページへの広告挿入において、どのページにどの広告を挿入したかをアクセス履歴として記録して閲覧状況を把握することは当業者においては周知慣用技術に過ぎない。

ここで、閲覧状況の把握において、広告毎(出願人の主張する「広告部分指示情報が同一のものごとに集計」に相当)、ページ毎(コンテンツ部分指示情報が同一のものごとに集計)に集計することは通常行われている程度のことに過ぎないから(例えば、参考文献Bには、コンテンツの閲覧数およびバナー広告の閲覧



整理番号: 発送番号:389254 発送日:平成18年 9月 4日 2/E

数を集計することが記載されている)、かかるアクセス履歴を用いて出願人の主張する集計を行うことも格別の困難性を有するものとは認められない。

よって、出願人の主張を格別のものとは認めることができない。

【引用文献等一覧】

- 1.特開2002-6863号公報
- 2.特開2000-322433号公報

【参考文献等一覧】

- A.特開2001-134646号公報
- B.特開2001-256322号公報

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この査定に不服があるときは、この査定の謄本の送達があった日から30日以内（在外者にあつては、90日以内）に、特許庁長官に対して、審判を請求することができます（特許法第121条第1項）。

（行政事件訴訟法第46条第2項に基づく教示）

この査定に対しては、この査定についての審判請求に対する審決に対してのみ取消訴訟を提起することができます（特許法第178条第6項）。

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上記はファイルに記録されている事項と相違ないことを認証する。

認証日 平成18年 8月30日 経済産業事務官 平瀬 恵美子

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1271113
<b>Application Number:</b>	10501526
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7145
<b>Title of Invention:</b>	Content delivery apparatus and content creation method
<b>First Named Inventor/Applicant Name:</b>	Tsuyoshi Komuro
<b>Customer Number:</b>	62574
<b>Filer:</b>	Jason Vick/Debra Kesner
<b>Filer Authorized By:</b>	Jason Vick
<b>Attorney Docket Number:</b>	T3736-9161US01
<b>Receipt Date:</b>	24-OCT-2006
<b>Filing Date:</b>	16-JUL-2004
<b>Time Stamp:</b>	16:49:21
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	no
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2	Foreign Reference	JP2001134646andTranslationOfAbstract.pdf	1477010	no	10
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3	NPL Documents	NoticeOfRefusalAndTranslation.pdf	377029	no	4
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

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